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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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MAJOR ISSUES FROM THE 2002 LEGISLATIVE YEAR

This report provides highlights of the 2002 legislative year, summarizing major proposals that passed the General Assembly and some that did not pass. The measures included in this report are a sampling and are not intended to be comprehensive.

Legislation in this document is summarized in a format that is intended to be more accessible than a simple reading of the bills, joint resolutions, and acts. This report is a guide to, not a substitute for, the full text of the legislation summarized. Please note that some issues which are included in this document are addressed in more than one bill.

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OVERVIEW OF THE 2002 LEGISLATIVE YEAR

2002 presented many challenges for the South Carolina General Assembly as legislators confronted security concerns arising from the devastating events of September 11, 2001, and worked to develop a State spending plan in the midst of an economic slowdown.

In response to the numerous security concerns that emerged in the final months of 2001, the General Assembly passed the **South Carolina Homeland Security Act**, a comprehensive bill that enhances the State's ability to gather intelligence and respond to emergencies. Notably, the legislation equips the State Law Enforcement Division with wiretapping authority for the investigation of terrorist activities and certain other serious crimes. Safeguards are provided to prevent misuse of this authority to intercept communications. The Governor's authority to declare a state of emergency is expanded to include a public health emergency. The legislation also establishes the Emergency Health Powers Act which equips the Department of Health and Human Services with broad authority to respond to a public health emergency through vaccination and quarantine.

Despite the severe shortage of available revenue, the **2002-2003 State Budget** protects education and protects health care for the poor, the elderly, and the disabled. Public education received a \$61 million increase and Medicaid is funded at a level where programs will not be reduced. Agency reductions were decided on an individual basis and were generally kept to under ten percent.

The General Assembly approved a plan for distribution of \$259 million of **lottery** revenue. The majority of these funds are directed to scholarships and tuition assistance; higher education technology; school buses; Education Accountability Act programs; K-5 reading, math, science and social studies programs; and ETV digitalization. Legislators also created the **South Carolina Research Centers of Economic Excellence** and the Centers of Excellence Matching Endowment, using lottery funds to provide incentives for the State's senior research universities to raise private capital to fund endowments for professorships in research areas targeted to create well-paying jobs for South Carolinians.

The General Assembly addressed the issue of proposed Charleston **port expansion** by approving legislation requiring the State Ports Authority to begin environmental impact studies and other required actions in regard to the permitting process to locate new terminal facilities on the west bank of the Cooper River.

Conservation of the State's natural and historical resources emerged as a major concern in 2002. The General Assembly created the **South Carolina Conservation Bank** as an ongoing funding source for acquiring interests from willing sellers in real property that is worthy of conservation for environmental, aesthetic, or historical reasons. Lawmakers also passed the **South Carolina Historic Rehabilitation**

consideration this year provided for a broad range of revisions including enhanced penalties for campaign finance violations, accountability measures for ballot measure committees, and disclosure requirements for what is commonly called "soft money" including funds received for operating expenses, party-building initiatives, and similar activities.

During the final days of the session, the Senate approved legislation providing comprehensive **revisions to the Public Service Commission**, the body elected by the General Assembly to regulate the State's public utilities. The legislation passed by the Senate establishes new qualifications for Public Service Commission candidates, places certain restrictions on the activities of Commissioners and other PSC officials, and creates an Office of Public Staff, as a separate state agency. In the House of Representatives, the issue of revising the Public Service Commission has been referred to the Labor, Commerce and Industry Committee for study.

The session ended without the adoption of compromise legislation for a bill that would expand **Truth in Sentencing** provisions. Under such provisions, offenders are required to serve at least 85% of their sentences and 100% of sentences if no work, education, or good time credits are earned. For offenses included under Truth in Sentencing provisions, parole would be abolished for all offenders who commit crimes after the effective date of the legislation.

The Senate and House passed different versions of a bill to **prohibit human cloning**, but compromise was not reached on the scope of the prohibition before session's end. Both House and Senate versions of the legislation prohibited cloning that involves the growth or creation of a human being from a single cell or cells of a genetically identical human being through asexual reproduction. The House version established a wider prohibition that also included products of human cloning such as stem cells and all other constituent parts of an embryo created through human cloning.

The House approved the **Diabetes Mellitus School Care Act**, which among other things, required school districts to provide training to at least two school employees who must be designated as a diabetes care provider at each public school that does not employ a full-time nurse. The bill was sent to the Senate, but was not taken up before the session ended.

This year the House approved the **Domestic Violence Prevention Act** and sent the bill to the Senate where it was reported out of the Judiciary Committee, favorable with amendment. No further action was taken on the bill during the session, but the issue is likely to resurface in the coming General Assembly. The legislation enhances various penalties for domestic violence offenses and emphasizes offender participation in programs designed to treat batterers.

Two measures proposing to **shorten the legislative session** were approved by the House in the beginning of 2001, but did not receive attention this year. Shortening the General Assembly's session will most likely reemerge as a legislative initiative in the coming year.

APPROPRIATIONS

THE 2002-03 GENERAL APPROPRIATIONS BILL (H.4878)

Facing another very difficult budget year, the General Assembly adopted a 2002-2003 spending plan under which agency reductions were decided on an individual agency basis and were in general kept to under ten percent. The General Assembly agreed on sources of additional revenue which prevented imposing deeper cuts on agencies' budgets. These sources of revenue include interest from numerous restricted funds; the Barnwell atomic waste fund; insurance reserve fund premium redirection; unrestricted taxable proceeds of the Tobacco Settlement Healthcare Trust Fund; and funds anticipated from a tax amnesty program and greater enforcement from additional revenue agents. The annualization problem has now been reduced from \$584 million (where it was when the House began working on the budget for Fiscal Year 2001-02) to \$269 million for the 2003-04 Fiscal Year.

Public education received a \$61 million increase. There was no change in the minimum salary schedule for teachers. A temporary proviso requires the State Board of Education to establish a task force to study a suggested uniform beginning date for the annual school term. The task force is to report to the State Board by January 1, 2003. (Also see "School Start Date" under the Budget Proviso Codification Act, H.4879, summarized in this document.) New provisos exempt LIFE Scholarships, Need-based grants, Palmetto Fellows Scholarships, and Tuition Grants from any mid-year budget reductions for 2002-03.

Medicaid is funded at a level where Medicaid programs will not be reduced. \$23.2 million is appropriated for SilverCard Plus, the senior prescription drug program. A temporary proviso directs the Commission for the Blind and the Vocational Rehabilitation Department to identify opportunities to better coordinate and refer eligible clients for services available from either agency. The two agencies are to report to the Chairs of the House Ways and Means Committee and the Senate Finance Committee by December 2002 on their progress towards improving client access to all services for which they are eligible. State employees received no pay increase.

STATUS: H.4878 (Act #289) was approved by the General Assembly and sent to the Governor. On May 29, the Governor returned his vetoes on the bill. Items which the Governor vetoed include, but were not limited to:

\$2,556,675 funding for House Operating Expenses (vetoed because it included \$150,000 in funding for the Joint Committee on Medicaid--the proviso creating this committee was also vetoed by the Governor); this veto was overridden by the General Assembly;

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- Endowed Chairs at Research Universities are funded at \$30 million;
- Technology improvements at public four-year and two-year colleges and state tech schools are funded at \$21.7 million (includes \$10.6 million non-recurring funds);
- Repair and maintenance at historically Black colleges funded at \$3 million;
- Research and technology at S.C. State University funded at \$3 million (includes \$1 million non-recurring funds);
- K-12 Education Accountability Act programs funded at \$23.9 million;
- School buses are funded at \$29 million (includes \$15 million non-recurring funds);
- K-5 Reading, Math, Science, and Social Studies programs are funded at \$32.9 million;
- ETV digitalization is funded at \$18.5 million (non-recurring funds);
- State Aid to County Libraries is funded at \$1.5 million;
- Department of Alcohol and Other Drug Abuse Services is funded at \$1 million;

FIRST STEPS TO SCHOOL READINESS PROGRAM

- For Fiscal Year 2002-2003 only, from non-recurring revenue identified in the General Appropriations Act (H.4878), \$7 million is appropriated to the First Steps for School Readiness Program.

SOUTH CAROLINA RESEARCH CENTERS OF ECONOMIC EXCELLENCE

- Creates a nine member Research Centers of Excellence Review Board and creates the Centers of Excellence Matching Endowment; staff support will be provided by the Commission on Higher Education;
- The Endowment will be funded annually by appropriations from the South Carolina Education Lottery Account (in an aggregate amount not to exceed \$200 million by 2010) and managed by the State Treasurer, subject to awards from the Endowment;
- South Carolina's senior research universities may apply for awards from the Endowment as provided in the bill;
- The Board is responsible for recommending annually to the Budget and Control Board for approval a schedule by which applications for funding are received and awarded on a competitive basis; for awarding of matching funds as provided in the bill; and for oversight and operation of the Endowment.

UNIFORM SCHOOL START DATE

(See also under H.4878, this section of this document)

- Provides a General Assembly declaration that it is in the best interests of South Carolina students for a uniform beginning date for the annual school term to be developed and adopted by the State Board of Education (the Board) to be implemented in all State public schools;

JOINT COMMITTEE ON TAXATION (S.852)

See summary under "Taxation" category of this document

PORT EXPANSION (S.926)

This joint resolution, approved by both the House and the Senate, requires the State Ports Authority to begin environmental impact studies and other required actions in regard to the permitting process to locate new terminal facilities on the west bank of the Cooper River at locations it determines appropriate and with a capacity in conformance with available land at the proposed location or locations. The resolution provides that if the locations identified are on real property not owned by the State Ports Authority (the Authority), the Authority is authorized to begin the process of acquiring such property. The resolution requires that upon completion of the permitting process, the Authority shall report to the General Assembly concerning the new terminal facilities, including a request for any state funding necessary to complete the projects and the form such funding is requested to take. The resolution requires that the Authority provide the General Assembly with a summary of criteria developed for use in delineating the needs, requirements, and specifications of port expansion. The resolution provides that the permit application may not exclude or prejudice unreasonably the acceptance of any site. The resolution directs appropriate state agencies to explore opportunities for federal funding of the infrastructure enhancements for port expansion on the western side of the Cooper River. The resolution also provides that the State Budget and Control Board shall take appropriate steps to provide indemnification from personal liability to the Authority board members related to their service in regard to funding provided to the South Carolina Transportation Infrastructure Bank for the Cooper River Bridge.

STATUS: S.926 was approved by both the House and the Senate and has been signed by the Governor (Act 256).

RESEARCH CENTERS OF ECONOMIC EXCELLENCE (H.4879)

(See H.4879, the Budget Proviso Codification Act, included in this document)

RIGHT TO WORK LAWS (H.3142)

The General Assembly passed H.3142 and ratified the bill. This legislation revises enforcement of South Carolina's Right to Work laws which prohibit practices that have the effect of making employment contingent upon whether or not an employee is affiliated with a labor union or organization. The legislation broadens the authority of the Department of Labor, Licensing and Regulation (LLR) to investigate alleged violations of the Right to Work laws. The Director of the Department of Labor, Licensing and Regulation is authorized to hold hearings in order to investigate

CONSERVATION/HISTORIC PRESERVATION

CONSERVATION BANK ACT (S.297)

The General Assembly passed S.297, the South Carolina Conservation Bank Act, and the Governor signed the bill into law on April 10. The legislation establishes the South Carolina Conservation Bank as an ongoing funding source governed by a twelve-member board and created to acquire interests in real property from willing sellers in order to protect wildlife habitats, forestlands, farmlands, open space, parks, historical sites, and healthy streams, rivers, bays, and estuaries. Areas are to be conserved for recreational purposes, scientific study, aesthetic appreciation, the protection of critical water resources, the maintenance of the State's position as an attractive location for visitors and new industry, and the preservation of the State's outstanding natural and historical sites for the benefit of future generations. The Conservation Bank is established to encourage cooperation and innovative partnerships among landowners, state agencies, local governments, and nonprofit organizations to ensure the orderly development of the State.

The bill provides for the Board's appointed and *ex officio* membership, terms of service, and meetings. The Governor is authorized to appoint three board members from the state at large. Three members are appointed by the President Pro Tempore of the Senate, one each from the first, second, and fifth congressional districts. Three members are appointed by the Speaker of the House of Representatives, one each from the third, fourth, and sixth congressional districts. The *ex officio* members are the board chairs of the Department of Natural Resources and the South Carolina Forestry Commission, and the director of the South Carolina Department of Parks, Recreation, and Tourism. Board members serve four-year terms under a staggered schedule. Members shall serve without compensation, but may receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions. The board shall elect a chairman and other officers as necessary from its membership. The bill establishes conditions for when board members must recuse themselves from board decisions. In order to operate the Bank, the bill requires the Board to hire an executive director and authorizes the Board to hire staff, to contract for certain services, and to enter into cooperative agreements with other state agencies.

The bill creates the South Carolina Conservation Bank Trust Fund, separate from all other funds, to receive and hold revenues of the Bank. The trust fund is authorized to receive funding from any sources that the General Assembly may provide by law; and from governmental grants and private gifts and bequests. Effective July 1, 2004, twenty-five cents of the one dollar thirty cent state deed-recording fee must be credited to the South Carolina Conservation Bank Trust Fund. The Department of Public Safety is authorized to issue "Conserve South Carolina" special motor vehicle license plates which may have an emblem, a seal, logo, or other symbol of

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assigns; and (2) that it may be in the landowner's interest to retain independent legal counsel, appraisals, and other professional advice.

The board shall evaluate each proposal according to conservation criteria listed in the bill, financial criteria listed in the bill, and the extent to which the proposal provides public access for hunting, fishing, outdoor recreational activities and other forms of public access. The board shall award grants or loans on the basis of how well proposals meet these three criteria.

The bill specifies the information that must be supplied by applicant for a grant or loan. Under the bill, an applicant is required to demonstrate that it is able to complete the project, indicate the total number of acres and describe the lands it has preserved in the State.

The board only may authorize grants or loans to purchase interests in lands at fair market value. In no cases may funds from the trust fund be used to acquire interests in lands at a price that exceeds the fair market value of the interest being acquired. However, trust funds may be used to acquire interests in land at below fair market value, but only if the owner of the interest consents and in writing to sell at below fair market value.

The Board is required, upon awarding a grant or loan, to set forth specified findings including but not limited to findings regarding the application/applicant which are relevant to the award and how the application/applicant satisfies the provisions and intentions of the bill.

The bill provides that land interest acquired by an eligible trust fund recipient may not be extinguished, sold, transferred, assigned, alienated, or converted to a purpose other than that set forth in the grant or loan award without following the procedures set forth in the legislation.

Interests in land acquired with trust funds must be managed and maintained in order to perpetuate the conservation, natural, historical, open space, and recreational uses or values for which they were originally acquired. Uses which are adverse to the original purposes for which the interests in land were acquired with trust funds are not permitted without securing a: (1) two-thirds vote of the board, following a finding of fact that the land no longer exhibits the characteristics that qualified it for acquisition with funds from the fund; and (2) majority vote of the State Budget and Control Board.

Funds from the trust fund may not be used to acquire interests in lands or other interests in real property through the exercise of any power of eminent domain or condemnation proceeding. This provision may not be repealed, amended, or otherwise modified except by an affirmative two-thirds vote of the total membership of both the House of Representatives and the Senate.

The provisions of this legislation must not be construed to eliminate or unreasonably restrict hunting, fishing, farming, forestry, timber management, or wildlife habitat

THE COURTS

LEGAL NAME CHANGES (H.3906)

The General Assembly passed H.3906 and ratified the bill on June 4. This bill sets out new procedures for obtaining a legal name change in the family court. The purpose of this bill is to ensure that the court is aware of the criminal history of a petitioner before a name change is granted; and that if a petition for a name change is granted and the petitioner does have a criminal background, that the proper agencies are notified of the name change. The requirements of the legislation do not apply when an individual is seeking a name change as a result of a marriage or divorce, or when a parent is seeking a name change for a minor child.

This bill includes the following new requirements for petitioners and the clerks of court for obtaining a legal name change: (1) requires that a petitioner include the results of a fingerprint check in addition to a criminal background check; (2) requires the petitioner to provide an affidavit to the court to affirm whether he/she is under a court order to pay child support or alimony; (3) adds that the petitioner must provide with his/her petition for a name change a screening statement from the State Law Enforcement Division (SLED) indicating whether he/she was on the sex offender registry. If the petitioner is on the registry and the petition is granted, the clerk of court is required to notify SLED so that SLED may update the registry to properly reflect the name change; (4) adds that the petitioner must provide a screening statement from the Department of Social Services indicating whether he/she is on DSS's Central Registry of Child Abuse and Neglect. If the petitioner is on the registry and the petition is granted, the clerk of court is required to notify DSS so that DSS may update the registry to properly reflect the name change; (5) requires the clerk of court to notify the Department of Corrections of prisoners who are granted a name change, so that DOC can accurately reflect the change in the prisoner's criminal record; and (6) requires that all costs associated with the legal name change requirements be borne by the petitioner.

The legislation gives the family court discretion to determine when a hearing on a legal name change petition is necessary.

STATUS: The General Assembly passed H.3906 and ratified the bill on June 4, 2002 (R.427).

PRIVATE GUARDIAN AD LITEM REFORM ACT (S.322)

The General Assembly passed S.322, the "South Carolina Private Guardian Ad Litem Reform Act" and ratified the bill on June 6. The legislation provides for the appointment, removal, qualifications, training, responsibilities, duties, disclosure, and fee requirements of guardians ad litem appointed in private custody and visitation cases.

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the GAL determines it is necessary to exceed the fee initially authorized, the guardian must provide notice to both parties and obtain the judge's written authorization or the consent of both parties to charge more. In determining the reasonableness of fees and costs, the court must take into account the complexity of the issues, the contentiousness of the litigation, the time expended, the expenses reasonably incurred, the financial ability of the parties to pay fees and costs, and any other factors the court considers necessary. This section also requires the guardian ad litem to submit itemized bills, as fees and costs accrue, to the parties and their attorneys pursuant to a schedule as directed by the court. A party may petition to have the Court review all fees at any time during the action.

The legislation provides that a guardian ad litem must provide written disclosure to each party of the following: (1) the nature, duration and extent of any relationship the GAL or any member of the GAL's immediate family residing in the guardian's household has with any party; (2) any interest adverse to any party or attorney which might cause the impartiality of the GAL to be challenged; and (3) any membership or participation in any organization related to child abuse, domestic violence, or drug and alcohol abuse.

A guardian may be removed from a case at the discretion of the court.

STATUS: The General Assembly passed S.322 and ratified the bill (R.442) on June 6, 2002.

CRIME AND PUNISHMENT

COMPUTER ABUSE ACT (H.3539)

The General Assembly passed H.3539, the Computer Abuse Act, and the Governor signed the bill into law on February 8, 2002. This legislation makes revisions to the Computer Crimes Act, including adding a definition for the term "computer contaminant." The term "computer contaminant" means a computer program designed to modify, damage, destroy, disable, functionally impair, record, or transmit information within a computer, computer system, or computer network without the consent or implied consent of the owner. The term computer contaminant includes, but is not limited to, a group of computer programs commonly known as 'viruses' and 'worms' that are self-replicating or self-propagating, and that are designed to contaminate other computer programs, consume computer resources, modify, destroy, record, or transmit data, or in some fashion usurp the normal operation of the computer, computer system, or computer network. The legislation makes it an offense under the Computer Crimes Act to introduce a computer contaminant into a computer, computer system, computer program, or computer network. The legislation revises the definition for "computer hacking" so as to explicitly state that it does not include the introduction of a

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involving more than 100 but less than 500 dosage units of Ecstasy, the punishment for a first offense is 3-10 years imprisonment, no part of which may be suspended or probation granted, and a fine of twenty thousand dollars. A second offense incurs 5-30 years, no part of which may be suspended or probation granted, and a fine of forty thousand dollars. A third or subsequent offense incurs 25-30 years, no part of which can be suspended or probation granted, and a fine of fifty thousand dollars. If an offender is convicted of felony trafficking involving at least 500 but less than 1000 units of Ecstasy, the penalties are as follows: 1st offense 7-25 years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars; 2nd offense 7-30 years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars; 3rd or subsequent offense 25-30 years, no part of which may be suspended or probation granted, and a fine of fifty thousand dollars. If an offender is convicted of felony trafficking involving at least 1000 dosage units of Ecstasy the punishment is 25 years, no part of which may be suspended or probation granted, and a fine of one hundred thousand dollars.

The legislation also includes Ecstasy in a provision under which vehicles and conveyances used in drug trafficking are forfeited to the state.

STATUS: The General Assembly passed H.4629 and the Governor signed the bill into law on May 20 (Act 267).

JURY CHARGE REGARDING LIFE IMPRISONMENT FOR MURDER (H.3819)

The General Assembly passed H.3819, a bill concerning the information a jury is provided regarding life imprisonment for a murder conviction. The law has provided that in the case of a murder conviction, a sentence of "life imprisonment" means until the offender's death. This legislation provides that in such situations life imprisonment means until the offender's death without the possibility of parole. The legislation provides that, when requested by the State or the defendant, the judge must charge the jury in his instructions that life imprisonment means until the death of the defendant without the possibility of parole. In cases where the defendant is eligible for parole, the judge must charge the applicable statute that sets out parole eligibility.

STATUS: The General Assembly passed H.3819 and the Governor signed the bill into law on May 28, 2002.

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- convene on or before July 1, 2002, at the call of the State Superintendent of Education,
 - elect a chair and other officers it deems necessary,
 - establish by-laws to include terms of office, and
 - have 60 days to rule on application compliance.
- Gives the local board of trustees thirty days to rule on an application once a letter of compliance is received from the advisory committee.
- Requires the State Board of Education to define "adverse affects" in regulation.
- Clarifies that in a school seeking conversion, parents or guardians of students in the school shall have one vote for each student enrolled.
- Calls for the establishment of a state reserve fund beginning 2003-04 to provide to the local school district the first year of a charter school's operation the base student cost times a 1.0 weighted pupil unit for each student enrolled in the charter school who was enrolled in another noncharter public school in the district the previous school year.
- Requires an impact study conducted by the State Board of Education two years after the implementation of the Charter School Advisory Committee review process to determine the effectiveness of the application process.
- Requires the State Board of Education to develop:
 - standards that the Charter School Advisory Committee will use to determine compliance, and
 - a timeline for submission of applications so that the application process is complete by December 1 of the year preceding the charter school's opening.
- Provides that charter school applications scheduled to open prior to December 1, 2003, would not send their application for review by the Advisory Committee but would apply directly to the local school district board of trustees.

STATUS: S.12 was approved by the House and the Senate and has been ratified (R.438).

SCHOOL START DATE

(See H.4878 under the "Appropriations" section of this document and H.4879, the Budget Proviso Codification Act)

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qualify for the job tax credit and which are located and the qualifying jobs are located on property where a response action has been completed pursuant to a nonresponsible party volunteer cleanup contract pursuant to the Brownfields Voluntary Cleanup Program, are allowed an additional one thousand dollar credit for each new full-time job created. This additional credit is permitted for five years.

The bill also provides that subject to approval of the county governing body, property and improvements subject to a nonresponsible party voluntary cleanup contract for which a certificate of completion has been issued by DHEC pursuant to the Brownfields Voluntary Cleanup Program, is exempt from *ad valorem* taxation as specified in the bill.

STATUS: H.4548 was approved by the General Assembly and has been signed by the Governor (Act #280).

INNOVATIVE ENVIRONMENTAL APPROACHES (H.4258)

The House approved and sent to the Senate H.4258, a bill pertaining to a pilot program on innovative environmental approaches. This bill authorizes the Department of Health and Environmental Control (DHEC) to administer a pilot program under which it may enter into up to ten cooperative agreements (for up to five years with a possible five year renewal) with eligible participants to implement and evaluate the use of innovative environmental approaches not otherwise authorized under existing law. The bill requires that participants be members of the South Carolina Environmental Excellence Program. The bill provides for pilot program procedures and delineates items that must be included in the cooperative agreements with participants. The bill also authorizes DHEC to grant a participant a variance from a requirement in South Carolina environmental law that would otherwise apply to a facility covered by a cooperative agreement if the variance meets certain criteria. The bill requires participants to comply with certain reporting and enforcement procedures.

STATUS: H.4258 was approved by the General Assembly and became law without the Governor's signature.

HEALTH & SOCIAL SERVICES

CHILD ABUSE AND NEGLECT REPORTS, STEPHANIE'S LAW (S.1208)

The General Assembly passed S.1208, titled Stephanie's Law in memory of four-year-old Stephanie Carter who died in October of 2000 from injuries sustained through repeated acts of physical abuse. On June 6, 2002, the Governor signed

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factor in evaluating a direct caregiver's application to be employed by or contract with the entity.

The bill requires a direct caregiver applicant to provide verification of residency for the twelve months preceding the date of the employment application and the bill includes provisions for record checks on applicants who verify South Carolina residency during that period, and for applicants who are unable to verify South Carolina residency during that period. The bill specifies who may conduct these criminal record checks and provides for an applicant's fingerprints to be submitted with the application.

The bill provides that the criminal record check is not required to be repeated as long as the person remains employed by or continues to contract with a direct care entity. However, if a person is not employed by or is not under contract for one year or longer with a direct care entity, the record check must be repeated before employment or a contract is renewed with a direct care entity. Any FBI fees for the fingerprint review must be paid by the individual direct caregiver or the direct care entity. The bill provides for a direct care entity furnishing copies of personnel records of direct caregivers to another direct care entity and provides immunity from liability for release of this information. A direct care entity receiving such records is required to conduct its own criminal record check.

The bill requires the Department of Health and Environmental Control to verify that direct care entities are complying with the requirements of this bill before issuing a renewal license for a direct care entity. The bill provides for a civil fine to be imposed upon individuals who violate the provisions of the bill. The bill requires that within twelve months of July 1, 2002 (the effective date of the bill) a direct care entity shall conduct criminal record checks on all direct caregivers employed by or under contract with the direct care entity as of that date.

STATUS: Approved by the General Assembly and signed by the Governor (Act 242).

HOMELAND SECURITY

HOMELAND SECURITY ACT (H.4416)

Responding to the security concerns that have emerged since the devastating events of September 11, 2001, the General Assembly passed H.4416, the South Carolina Homeland Security Act to provide appropriate measures for ensuring the safety of the citizens of the State. The legislation equips the State Law Enforcement Division (SLED) with wiretapping authority in order to investigate certain serious crimes and terrorist activity. The bill creates numerous safeguards

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In instances of looting during a state of emergency declared by the Governor, the legislation requires restitution for victims.

The legislation establishes penalties for charging unconscionable prices (price-gouging) during a declared state of emergency or disaster. Penalties are established for knowingly and willfully using a misleading practice or device to solicit the contribution or sale of goods or services for charitable purposes in connection with a declared state of emergency or disaster.

The legislation exempts security plans from Freedom of Information Act requirements although the costs expended to implement those plans would be subject to the provisions of FOIA. An FOIA exemption is provided for information relating to structural bridge plans.

The legislation creates the First Responders Advisory Committee. The authority and responsibilities of the committee are to research, study, analyze, determine, and report to the General Assembly by January 1, 2003, and thereafter to the President Pro Tempore of the Senate and the Speaker of the House concerning the needs of the first responders, including personnel involved with fire, law enforcement, emergency medical, emergency planning and coordinating, and 911 and other emergency communications. The issues to be studied with regard to first responders include, but are not limited to: (1) performance of their duties, rendering of their services to the public in general, and to the individuals involved in an emergency, including the other first responders involved; (2) preparing for the performance of those duties, including equipping, training, planning, and coordinating; (3) funding their operations; (4) preserving and enhancing their personal fitness, well-being, morale, and welfare; (5) the appropriate role the State should play in continuing to assess and address the identified needs, including whether, and in what form, a new or existing state agency could and should be authorized and funded to assist in that role; and (6) the consideration of legislation to address the identified needs and providing the General Assembly with draft legislation with regard to these issues.

The legislation establishes within the Adjutant General's Preparedness Division a statewide Urban Search and Recovery Team for response to emergency situations, to the extent that funding is provided by the General Assembly.

The legislation gives Special Purpose Districts the authority to establish public safety departments to protect water, gas, or other facilities. The authority does not, however, include the issuance traffic tickets.

The General Assembly authorizes (subject to appropriations) the State Budget and Control Board to plan, develop, and implement a statewide South Carolina 211 Network, which must serve as the single point of coordination for information and referral for health and human services.

The legislation provides that, in order to protect the State's critical information technology infrastructure and associated data systems in the event of a major

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- Annual restricted fertilizer permit fee is \$250; no fee is charged for general fertilizer permit;
- For homeland security purposes, identifying information relating to the holder of a general or restricted fertilizer permit is exempt from disclosure under the Freedom of Information Act; Violation of these provisions is a misdemeanor and the bill provides penalties for conviction.
- No established agricultural facility or operation is or may become a private or public nuisance by any changed conditions in or about the locality of the facility or operation unless the nuisance results from the negligent, improper, or illegal operation of an agricultural facility or operation;
- Clemson University, in conjunction with the Department of Health and Environmental Control, shall create a training and certification program for owners or operators of certain animal facilities (as defined in a specified Regulation) which must include, but is not limited to, understanding relevant regulations, issues, standards, principles, and practices regarding siting and management of an animal facility and land application of animal waste; controlling vectors, testing for toxic metals, organic materials, and other elements; and implementing emergency procedures and spill prevention protocols;
- An operator of an animal facility and waste utilization area must be trained and certified according to DHEC Regulations on the operation of animal waste management under the above-described program;
- The bill does not affect the right of a person to recover damages for injuries sustained because of pollution of, or change in condition of, the waters of a stream or because of an overflow on his lands.

STATUS: H.4944 was approved by the General Assembly and has been ratified. (R.432).

INSURANCE

HEALTH INSURANCE MANDATES (H.4583)

The General Assembly approved H.4583, a bill pertaining to state and federal health insurance mandates. The legislation creates the Task Force to Review State and Federal Health Insurance Mandates in South Carolina. The legislation provides for the membership, authority, and staff support of the task force. The task force is charged with reviewing: (1) each and every State and Federally mandated health benefit placed upon health insurance issuers in South Carolina since 1990; (2) the

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If the database indicates that a motor vehicle is not insured or if the division receives notification as prescribed by regulation that a vehicle may not be insured, the division shall notify the owner of the motor vehicle that he has forty-five days to provide the division with one of the following, or the owner's license plates will be subject to suspension: (1) proof of complying coverage or of self-insurance; or (2) proof of exemption from the financial security requirements. The bill authorizes disclosure, for a fee, of an individual's reported database information upon request by specified individuals and agencies, only. Funds collected from fees shall be placed by the Comptroller General into a special restricted account to be used by the department to defray expenses of the division.

STATUS: The General Assembly passed H.5105 and the Governor signed the bill into law on June 4, 2002.

LOTTERY

As part of H.4879, the Budget Proviso Codification Act, the General Assembly approved a distribution plan for revenues from the South Carolina Education Lottery.

The bill also authorizes the South Carolina Lottery Commission to enter into a multi-state agreement for the sale of instant game tickets, online game tickets, and related multi-state lottery products including game shows and promotional products.

Total lottery revenue for Fiscal Years 2001-2002 and 2002-2003 is \$179 million recurring funds and \$80 million non-recurring funds. Funds are distributed in the bill as follows:

- Tuition assistance at technical schools and two year institutions is funded at \$34 million;
- LIFE Scholarships are funded with an additional \$40 million;
- HOPE Scholarships are funded at \$5.8 million;
- Need-Based Scholarships are funded at \$3 million (non-recurring funds);
- Palmetto Fellows Scholarships are funded at \$5 million;
- National Guard Scholarships are funded at \$1.5 million;
- Tuition Grants are funded at \$3 million (non-recurring funds);
- Teacher Grants are funded at \$2 million (non-recurring funds);
- Endowed Chairs at Research Universities are funded at \$30 million;
- Technology improvements at public four-year and two-year colleges and state tech schools are funded at \$21.7 million (includes \$10.6 million non-recurring funds);
- Repair and maintenance at historically Black colleges funded at \$3 million;
- Research and technology at S.C. State University funded at \$3 million (includes \$1 million non-recurring funds);
- K-12 Education Accountability Act programs funded at \$23.9 million;

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including at least ten hours of licensed parental- or guardian-supervised driving practice during darkness, in order to be issued a conditional (currently known as "provisional") driver's license or a special restricted driver's license. The holder of conditional driver's license or a special restricted license may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult who is twenty-one years of age or older. This restriction does not apply when transporting family members, or students to or from school. In addition to current requirements, the bill also provides that a person must pass a specified driver's education course in order to be issued a special restricted driver's license. The bill also provides that for purposes of issuing a special restricted driver's license, the Department of Public Safety must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program equivalent to an approved course or program in this State. In addition to current requirements, the bill also specifies that a person must satisfy the school attendance requirements imposed for the conditional license in order to be issued a special restricted driver's license. The bill also provides that a person while operating a motor vehicle under a conditional license or special restricted driver's license (currently this provision relates only to special restricted driver's license holders) who is convicted of a traffic offense (currently this provision applies only to point assessable offenses) or involved in an accident in which he was at fault shall have the removal of the restrictions postponed for twelve months and is not eligible to be issued a regular driver's license until one year from the date of the last traffic offense or accident in which he was at fault or until he is seventeen years of age. Currently, removal of the license holder's restrictions is postponed for six months during which period the licensee must be "free of any traffic convictions."

H. 3933 also provides that it is unlawful to transport a person under fifteen years of age in the open bed or open cargo area of a pickup truck or trailer. This provision does not apply when: (1) an adult is present in the bed or cargo area of the vehicle and is supervising the child; (2) the child is secured or restrained by a seat belt that meets specified standards; (3) an emergency situation exists; (4) the vehicle is being operated in an organized hayride or parade pursuant to a valid permit; (5) the vehicle is being operated while hunting or in an agricultural enterprise; (6) the vehicle is being operated in a county which has no incorporated area with a population greater than three thousand five hundred; or (7) the vehicle has a closed metal tailgate and is being operated less than thirty-six miles an hour. A person violating this provision is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars. No driver's license points or insurance surcharge may be assessed for a violation.

STATUS: H.3933 was approved by the House and Senate and has been signed by the Governor (Act 181). The bill became effective March 5, 2002.

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a particular special license plate, it may not produce additional special license plates in that series. The bill provides that the fee for the special "United We Stand" plate will be \$25 every two years in addition to the regular motor vehicle license fee. Funds from the fee for this plate will be distributed to the national "Rewards for Justice" fund which was created to establish rewards for the capture of terrorists. The bill also includes the same requirements for prepaid applications or deposit and for refund of deposit as are provided for the "In God We Trust" plate.

The General Assembly also approved H.4432, which creates and provides for "God Bless America" special license plates. These plates may be produced and distributed after the Department of Public Safety receives at least four hundred prepaid applications for the plate, or a deposit of four thousand dollars from the individual or organization seeking issuance of the plate. The deposit would be refundable once an equivalent amount of license plate fees is collected for that special plate, or would be retained by the Department if the equivalent amount is not collected within four years. The bill requires that the Department must approve a plan to market the plates, and if the Department receives less than three hundred biennial applications and renewals for this special plate, it shall not produce additional special license plates in that series. The fee for this special plate is the regular motor vehicle license fee and a special license fee of sixteen dollars. These funds would be distributed to the Department to defray the DMV's expenses of producing and administering the plates, and remaining funds must be designated for use by the South Carolina National Guard for homeland security.

STATUS: H.4652 (Act 236) and H.4432 (Act 218) were both approved by the House and the Senate and both bills have been signed by the Governor.

TEMPORARY LICENSE PLATES (H.3678)

Current law allows a forty-five day grace period for obtaining a permanent license plate. Because of this grace period, law enforcement officers have not been authorized to stop vehicles that do not have license plates. Instead of the forty-five day grace period, H.3678 provides that a vehicle may not be operated without a permanent or temporary license plate.

A person newly acquiring a vehicle or an owner of a foreign vehicle being moved into this State, before operating the vehicle on South Carolina's highways during the forty-five day period, must do one of the following:

- transfer a license plate from another vehicle;
- purchase a new license plate and registration;
- purchase a temporary license plate from the Division of Motor Vehicles (DMV);
- purchase a temporary license plate from the county auditor's office in the county in which the person resides;
- obtain a temporary license plate from a dealer of new or used vehicles; OR
- obtain a temporary license plate from the casual seller of the vehicle.

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solicitation. All state agencies shall take reasonable measures to ensure that personal information obtained from a public record is not used for commercial solicitation.

S.204 also revises the procedure for blood samples taken from the state's infants for Department of Health and Environmental Control neonatal testing to detect inborn metabolic errors and hemoglobinopathies. The legislation allows parents objecting to the tests to opt out using forms promulgated by DHEC. The bill provides that such a blood sample is confidential and may be released only as the parent or legal guardian of the child from whom a blood sample was obtained, or the child when eighteen years of age or older, directs the department at the time of testing or at any time after that on a form promulgated in regulation by the department. The legislation provides for the conditions under which the blood samples are to be stored and maintained. At the time of testing or at any time after that, on a form promulgated in regulation by the department, the parent or legal guardian of the child from whom a blood sample was obtained, or the child when eighteen years of age or older, may direct the department to: (a) return a blood sample in its entirety and any test results not less than two years after the date of testing; (b) destroy a blood sample in a scientifically acceptable manner not less than two years after the date of the testing; or (c) store a blood sample at minus 20° centigrade but not release the blood sample for confidential, anonymous scientific study. A blood sample released for confidential, anonymous study must not contain information that may be used to determine the identity of the donor. A blood sample released may contain demographic or other statistical information. If scientific study identifies genetic information that may benefit the child, the department may notify confidentially the parent or legal guardian, or the child if eighteen years of age or older, of this information. Blood samples taken prior to the effective date of the act that have not been stored under the conditions prescribed in the legislation must be properly destroyed. The legislation revises penalties for violations, specifying that fines may not exceed fifty thousand dollars and imprisonment may not exceed three years.

STATUS: S.204 passed the General Assembly and was signed into law by the Governor on May 1, 2002 (Act 225).

GOVERNMENT-OWNED TELECOMMUNICATIONS SERVICE PROVIDERS (S.290)

The General Assembly approved S.290, a bill that addresses the entry of South Carolina municipalities into the telecommunications field. The legislation establishes restrictions for the operation of a government-owned telecommunications service provider which is identified as a state or local political subdivision, person, or entity providing telecommunications service to the public for hire over a facility, operation, or system that is directly or indirectly owned by, operated by, or a financial benefit obtained by or derived from, an agency or entity of the State or any local government. The legislation provides that a government-owned telecommunications

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minimum wage rate related to employee wages that are exempt under the Fair Labor Standards Act. This provision does not limit the authority of political subdivisions to establish wage rates in contracts to which they are a party.

STATUS: Having passed the General Assembly, H.3289 became law without the signature of the Governor on May 15, 2002 (Act 243).

**STATE GENERAL OBLIGATION ECONOMIC DEVELOPMENT
BOND ACT (S.1200)**

(See summary under Business section of this document)

TAXATION

HISTORIC REHABILITATION INCENTIVES ACT (S.297)

(See summary under Conservation/Historic Preservation section of this document)

JOINT COMMITTEE ON TAXATION (S.852)

S.852, among other things, establishes a nine member Joint Committee on Taxation (the Committee), appointed as follows: three Senators appointed by the Chair of the Senate Finance Committee, who serve *ex-officio*; three House members appointed by the Chair of the Ways and Means Committee, who serve *ex-officio*; and three members of the business community, appointed by the Governor. One of the business representatives must be a certified public accountant. The Committee is charged to study all revenue-related State laws and to recommend changes in the State's basic tax structure and in the rates of taxation, together with predicted revenue effects of the changes together with proposed alternate sources of revenue. The goal stated in the bill is that our State revenue system be stable, equitable, and fair when compared with the tax structures of other states, and that business enterprises and persons be encouraged by the economic impact of our State revenue laws to move themselves and their business enterprises to South Carolina. The bill also charges the Committee to report on the economic impact of the South Carolina tax structure upon the business enterprises of various types of industry, as compared with other southeastern states, and make recommendations for long-range revenue planning and for future amendments to our State revenue laws. The Committee is to report to the General Assembly and the Governor by June 30, 2006, at which time the Committee will be dissolved.

STATUS: S.852 was approved by the General Assembly and has been ratified (R.445).

REVISIONS TO FEE-IN-LIEU-OF-TAX SIMPLIFICATION ACT (S.852)

(See summary under Business section of this document)

CAMPAIGN FINANCE (H.3144)

The House and Senate passed different versions of H.3144, a bill providing campaign finance revisions. The version of the bill passed by the Senate contained not only the body's version of campaign finance provisions but also comprehensive revisions for the Public Service Commission (see PUBLIC SERVICE COMMISSION REVISIONS below). A conference committee was appointed to address the differences between the House and Senate on the bill. On the final day of the session, the House voted to accept legislation that contained the Senate's version of campaign finance without any of the provisions pertaining to the Public Service Commission. The session ended without compromise legislation being adopted by both legislative bodies. Campaign finance legislation will most likely be introduced in the next General Assembly.

H.3144 provided for various campaign finance revisions, most notably:

Disclosure by Political Parties: Both House and Senate versions require political parties, legislative caucus committees, and party committees to disclose anything of value received after a \$500 threshold is reached. This includes all funds received for operating expenses, "party-building" expenses, and other funds commonly referred to as "Soft Money."

Mandating Reporting of Independent Expenditures: Both House and Senate versions add a "person who makes independent expenditures of \$500 or more during an election cycle for the purpose of influencing the outcome of an elective office" to the group of persons and entities that must file disclosure reports.

Scope of Reporting Independent Expenditures: The House version further defines the term "influence the outcome of an elective office" for purposes of clarifying who has to file disclosure reports. This definition includes the "magic words" approach to determining who must file disclosure reports and conforms to the Fourth Circuit Court of Appeal's interpretation of *Buckley v. Valeo*. This definition would also include campaign slogans or individual words that can only reasonably be interpreted to urge the election or defeat of a clearly identifiable candidate such as "Smith 2000" or "Jones-A man for the People!". This definition would incorporate bumper stickers and slogans that clearly convey an unmistakable message to vote for or against the identified candidate and is therefore substantially related to the recognized interest served by reporting and disclosure requirements. The Senate version is identical but also defines the term "Coordinated with" as discussion or negotiation between a candidate his agent and a person concerning a political communication's contents, timing, location, mode, intended audience, or volume.

Reporting by Ballot Measure Committees: Both House and Senate versions create and define "ballot measure committees" and subject them to reporting and disclosure requirements. This definition includes a person or persons who receives

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Multi-candidate Expenditures: Current law provides party expenditures for multi-candidate promotions for four or more candidates where each candidate receives substantially equal treatment are not included in the contribution limits section of the Ethics Act. These expenditures are limited to the operation of phone banks, preparation, mailing and distribution of campaign materials, and voter registration or ballot information. The Senate version eliminates this exemption entirely, thus making multi-candidate expenditures subject to contribution limitations. The House version does not revise the current provisions.

Personal Use of Campaign Funds: The Senate version provides that ballot measure committees, like candidates, committees, public officials, and political parties, may not use campaign funds to defray personal expenses which are unrelated to the campaign or office. The House version does not revise current provisions.

Use of Campaign Funds by Ballot Measure Committees: The House version includes a new section to the Ethics Act which provides that a ballot measure committee may not use contributions for any purpose other than the purpose for which the committee was originally created, unless the person giving the contribution gives written authorization. Within sixty days after the relevant election or referendum, the remaining funds must be contributed to the State's general fund, contributed to a 501(c)(3) organization, or returned to all contributors pro rata. If a committee violates this provision, the State Ethics Committee may seize the funds and distribute the funds as provided. The Senate version does not include these provisions.

Lobbyists: Current law provides members of the immediate family of the Governor, Lieutenant Governor, other statewide constitutional officers, members of the General Assembly, or director of state departments may not serve as lobbyists during the time the official holds office and for one year after such public service ends. The Senate version eliminates this restriction against family members serving as lobbyists. Instead, the Senate version requires lobbyists who are members of the immediate family of a public official to identify that public official upon registering.

STATUS: The House and Senate passed different versions of H.3144 and a conference committee was appointed on the bill. Compromise legislation was not adopted by both legislative bodies before session's end. For Senate amendments pertaining to the Public Service Commission, see PUBLIC SERVICE COMMISSION REVISIONS below.

CHILD ABUSE AND NEGLECT REPORTING REQUIREMENTS FOR MEMBERS OF THE CLERGY (H.5048)

The House and Senate passed different versions of H.5048, but no compromise was reached before the end of the session. This legislation adds members of the

DEATH PENALTY STATISTICS (H.4989)

The House approved and sent to the Senate H.4989, a bill pertaining to information on death penalty cases maintained by the Office of Court Administration. This bill provides that when a solicitor gives required notice to a defense attorney of the intent to seek the death penalty, the solicitor also must provide a copy of his notice of intent to seek the death penalty to the court administrator of this State and to the Commission on Indigent Defense. The solicitor's notice to the court administrator also must include the date the notice is made, the alleged crime, the date the alleged crime occurred, the county in which the alleged crime occurred, demographic information about the victim, and the person or persons charged with the crime, including their age, race, sex, and ethnic background. The court administrator must use data provided by the solicitors to maintain records and statistics regarding the basic information. The Office of Court Administration must compile, collate, index, and maintain a file of the required information and make the file available to the general public during the normal business hours of the offices of Court Administration. The legislation provides a procedure for challenging and correcting information in the file. The lack of notice given to the court administrator will never serve as a defense for the defendant of a capital case.

STATUS: H.4989 passed the House on April 26, 2002, and was sent to the Senate where it received a favorable report from the Judiciary Committee on May 22. No further action was taken on the bill.

DIABETES MELLITUS SCHOOL CARE ACT (included in S.977)

S.977, a bill relating to attendant care services and in-home care, was amended by the House to include the Diabetes Mellitus School Care Act, which requires each public school district to provide or contract for specified training to at least two school employees who must be designated as a diabetes care provider by the principal at each public school that does not employ a full-time nurse. Failure of a school employee to agree to be a diabetes care provider does not constitute insubordination. The bill also requires each public school to develop a written protocol with procedures to be followed if a student diabetes emergency arises when neither a registered nurse nor a diabetes care provider is available. The bill delineates functions which diabetes care providers are authorized to perform if the school has obtained the consent of a parent for the child to receive these services. The bill provides to a trained diabetes care provider an exemption from provisions that restrict activities that may be delegated to a person who is not a licensed medical professional and provides that the State Attorney General shall provide legal defense in any lawsuit brought under these provisions against a school district, school, or school employee.

The bill requires that upon written request of the parent or guardian and authorization by the student's physician, a student with diabetes must be permitted to perform specified functions to monitor and treat his or her diabetes in any area of

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can be used to impose a sentence for murder. These circumstances include a murder committed in violation of a protective order or a restraining order, and a murder committed against a household member when the defendant had a prior conviction for committing certain listed offenses against the household member victim.

The legislation provides that for a first offense of criminal domestic violence, that the offender may, after five years from the date of the conviction, apply to the court for an order expunging the records of the arrest and conviction. The offender must have had no other conviction during the five-year period following the conviction under this section and may only take advantage of this provision once, the offender must not have previously participated in the pretrial intervention program for first offense criminal domestic violence, and the offender must have satisfactorily completed a batterers treatment program.

The legislation provides for a penalty for a third offense violation of criminal domestic violence and criminal domestic violence of a high and aggravated nature, providing a mandatory minimum term of imprisonment for 90 days. The court may suspend all or part of the sentence, with the exception of the 90-day minimum, if the offender completes a program designed to treat batterers.

The legislation provides for a penalty for a first offense violation of an order of protection. The penalty is imprisonment for thirty days and a fine of not more than five hundred; however the court may suspend all or part of the sentence if the offender completes a counseling program. A person found guilty of this provision and criminal domestic violence of a high and aggravated nature must be sentenced under the latter.

An individual who violates the general criminal domestic violence offense is guilty of the offense of criminal domestic violence of a high and aggravated nature when one of the following occurs: (1) the person intentionally commits an assault and battery which involves the use of deadly weapon or results in serious bodily injury to the victim; or (2) the person intentionally commits an assault, with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury or death. A person who violates this section is guilty of a felony. The court may suspend part of the sentence if the offender completes a counseling program.

When a person reports a criminal domestic violence violation at a later time and law enforcement was not notified at the time the alleged violation occurred, law enforcement must complete an investigation of the allegations. A charge may be brought only by presenting the results of the investigation conducted by law enforcement and any other evidence for review by a judge who may issue an arrest warrant upon a showing of probable cause.

A person may not be considered for pre-trial intervention if he is charged with a criminal domestic violence offense if the offender has been previously convicted of a criminal domestic violence violation or a similar offense in another jurisdiction.

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with an aggregate total not to exceed ten thousand dollars for a twenty-four period. The legislation provides that county and municipal governing bodies may adopt ordinances to exempt their local areas from prohibitions imposed under this legislation.

STATUS: The House passed H.4387 on April 19, 2002. The legislation was referred to the Senate Judiciary Committee where it remained until adjournment this year.

GAMBLING OFFENSE REVISIONS (H.4476)

The House approved and sent to the Senate H.4476, a bill revising the State's gambling offenses so as to modernize the language and make the provisions more comprehensive. The bill provides that it is unlawful for a person in this State or at any location within the jurisdiction of this State to gamble, wager, bet, stake, or risk money, property, or anything of value upon the outcome of a contest, game of chance, sports event, or any other current or future contingent event not under the person's control or influence, upon an agreement or understanding that he or another person will receive something of value in the event of a certain outcome. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days. The bill provides that it is unlawful for a person in this State or at any location within the jurisdiction of this State knowingly to own, keep, operate, manage, or maintain a device or location of any kind that is used for gambling. The legislation provides an exemption for cruises where any gambling that occurs aboard the vessel occurs only outside the jurisdictional waters of this State and the vessel makes an intervening stop. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand dollars or imprisoned for not more than one year. The legislation does not apply to State Lottery activities.

STATUS: H.4476 passed the House on February 28, 2002. The legislation was referred to the Senate Judiciary Committee where it remained until adjournment this year.

PUBLIC SERVICE COMMISSION REVISIONS

On May 29 of this year, the Senate returned H.3144, the campaign finance bill, to the House amended to include comprehensive revisions to the Public Service Commission, the body elected by the General Assembly and charged with regulating the State's public utilities. The legislation did not pass the General Assembly. In the House, the issue of revising the Public Service Commission has been referred to the Labor, Commerce and Industry Committee for study.

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conduct a comprehensive study of other states' commissions' structures, responsibilities, qualifications, and compensation, and make recommendations.

STATUS: On May 29, 2002, the Senate returned H.3144, a bill pertaining to campaign finance, to the House with an amendment providing for revisions to the Public Service Commission. A conference committee was appointed to address House and Senate differences on H.3144, but no compromise legislation was approved by the General Assembly before the end of the session. In the House, the issue of revising the Public Service Commission has been referred to the Labor, Commerce and Industry Committee for study.

SHORTENING THE LEGISLATIVE SESSION (H.3138 and H.3139)

At the beginning of 2001, the House approved and sent to the Senate two measures that would shorten the legislative session. H.3138 and H.3139 were referred to the Senate Judiciary Committee on January 1, 2001 where they remained as of adjournment this year. The House approved H.3138, a joint resolution proposing an amendment to the South Carolina Constitution that would revise the time the General Assembly is required to convene at the beginning of each year. Under the joint resolution's proposal, the General Assembly would continue to convene in the State Capitol on the second Tuesday in January in even-numbered years (in the middle of a General Assembly's two-year session), but would convene a month later, the second Tuesday in February, in odd-numbered years (at the beginning of a General Assembly's two-year session). The House also approved H.3139, a bill that would shorten the legislative session by changing the date for *sine die* adjournment of the General Assembly from the first Thursday in June to the second Thursday in May.

STATUS: The House passed H.3138 and H.3139 on January 24, 2001. The measures were referred to the Senate Judiciary Committee where they remained as of adjournment this year.

TRUTH IN SENTENCING (H.3141)

In 1996, Truth in Sentencing for those convicted of offenses with maximum penalties of 20 years or more went into effect. This legislation eliminated parole for these offenders and required them to serve at least 85% of their sentences.

Most of these offenses are classified as violent crimes. However, some crimes classified as violent do not fall under Truth in Sentencing. They include Second Degree Burglary; First Offense Trafficking in Marijuana, 10-100 lbs; First Offense Trafficking in Cocaine, 10-28 grams; First Offense Trafficking in Methaqualone, 15-150 grams; First Offense Trafficking in LSD, 100-499 dose units; First Offense Trafficking in Fluintrazepam (Date Rape Drug), 1-100 grams; and First Offense Trafficking in Ice, Crank, or Crack Cocaine. Other serious offenses that do not fall